

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

| | | |
|--|---|---------------------|
| UNITED STATES OF AMERICA, | : | |
| Plaintiff, | : | |
| | : | |
| | : | |
| v. | : | CIVIL ACTION |
| | : | No. 19-0519 |
| | : | |
| SAFEHOUSE, a Pennsylvania nonprofit | : | |
| Corporation; | : | |
| JOSE BENITEZ, as President and | : | |
| Treasurer of Safehouse, | : | |
| Defendants. | : | |
| | : | |
| <hr/> | | |
| SAFEHOUSE, a Pennsylvania nonprofit | : | |
| Corporation, | : | |
| | : | |
| Counterclaim Plaintiff, | : | |
| | : | |
| v. | : | |
| | : | |
| UNITED STATES OF AMERICA, | : | |
| | : | |
| Counterclaim Defendant, | : | |
| | : | |
| and | : | |
| | : | |
| U.S. DEPARTMENT OF JUSTICE; | : | |
| WILLIAM P. BARR, in his official capacity | : | |
| as Attorney General of the United States; | : | |
| and WILLIAM M. McSWAIN, in his official | : | |
| capacity as U.S. Attorney for the Eastern | : | |
| District of Pennsylvania, | : | |
| Third-Party Defendants. | : | |

ORDER

This 2nd day of October, 2019, upon consideration of the Government's Motion for Judgment on the Pleadings (ECF No. 47), and Safehouse's response, it is hereby **ORDERED** that the Motion is **DENIED**. Accepting the facts in the pleadings as true, as required under Rule 12 of the Federal Rules of Civil Procedure, 21 U.S.C. § 856 (a)(2) would not prohibit Safehouse

from establishing and operating an overdose prevention facility that provides medically supervised consumption services.

/s/ Gerald Austin McHugh
United States District Judge